

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WAG Acquisition, L.L.C., Plaintiff, v. Multi Media, L.L.C., <i>et al.</i> , Defendants.	Civil Action No. 2:14-cv-02340 (ES)(MAH)
WAG Acquisition, L.L.C., Plaintiff, v. Data Conversions, Inc., <i>et al.</i> Defendants.	Civil Action No. 2:14-cv-02345 (ES)(MAH)
WAG Acquisition, L.L.C., Plaintiff, v. Flying Crocodile, Inc., <i>et al.</i> , Defendants.	Civil Action No. 2:14-cv-02674 (ES)(MAH)
WAG Acquisition, L.L.C., Plaintiff, v. Gattyán Group S.à r.l., <i>et al.</i> , Defendants.	Civil Action No. 2:14-cv-02832 (ES)(MAH)

WAG Acquisition, L.L.C., Plaintiff, v. FriendFinder Networks Inc., <i>et al.</i> , Defendants.	Civil Action No. 2:14-cv-03456 (ES)(MAH)
WAG Acquisition, L.L.C., Plaintiff, v. Vubeology, Inc. <i>et al.</i> , Defendants.	Civil Action No. 2:14-cv-04531 (ES)(MAH)
WAG Acquisition, L.L.C., Plaintiff, v. WEBPOWER, Inc. d/b/a WP Associates <i>et al.</i> , Defendants.	Civil Action No. 2:15-cv-3581 (ES)(MAH)

(PROPOSED) DISCOVERY PLAN

THIS MATTER having come before the Court on January 22, 2016 for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure, and the parties having presented a Joint Discovery Plan; and for good cause shown:

IT IS, on this ____ day of **January, 2016 ORDERED THAT:**

1. **Discovery Schedule.** The discovery schedule in this matter shall be as follows:

Item Number	Event	Proposed Date	Reference
1	Rule 16 Scheduling Conference	1/22/2016	Fed. R. Civ. P. 16
2	Submit Revised Discovery Plan (Schedule)	1/29/2016	
3	Submission of Proposed E-Discovery and Confidentiality Order	2/5/2016	L. Pat. R. 2.2
4	First Date to Serve Written Discovery Demands	2/10/2016	
5	Disclosure of Asserted Claims and Infringement Contentions and Accompanying Document Production	3/22/2016	L. Pat. R. 3.1-3.2
6	Service of Non-Infringement Contentions and Accompanying Document Production	6/9/2016	L. Pat. R. 3.2A
7	Service of Invalidity Contentions and Accompanying Document Production	6/9/2016	L. Pat. R. 3.3-3.4
8	Service of Responses to Invalidity Contentions and Accompanying Document Production	6/23/2016	L. Pat. R. 3.4A
9	Exchange of Proposed Terms for Construction	7/6/2016	L. Pat. R. 4.1(a)
10	Exchange of Preliminary Claim Constructions	7/27/2016	L. Pat. R. 4.2(a)-(b)
11	Service of Identification of Intrinsic and Extrinsic Evidence for Claim Construction	8/11/2016	L. Pat. R. 4.2(c)
12	File Joint Claim Construction and Prehearing Statement	8/29/2016	L. Pat. R. 4.3(a)-(f)
13	Completion of Claim Construction Discovery other than Experts; Tutorials due	9/29/2016	L. Pat. R. 4.4
14	File Opening Markman Submissions	10/12/2016	L. Pat. R. 4.5(a)

Item Number	Event	Proposed Date	Reference
15	Conclude Markman Expert Discovery	10/31/2016	L. Pat. R. 4.5(b)
16	Deadline to amend pleadings to add additional parties	12/5/2016	
17	File Responding Markman Submissions	12/14/2016	L. Pat. R. 4.5(c)
18	File a Proposed Schedule for Claim Construction Hearing	12/28/2016	L. Pat. R. 4.6
19	Defendants to renew their § 101 Challenge via motion under Fed. R. Civ. P. 12(c) or 56. Briefing schedule to be determined by the Court.	Within 45 days of Markman Order	
20	Close of Fact Discovery	5/22/2017	
21	Disclose FRCP information relating to experts	10 days after Markman Order	
22	Opening expert reports by party bearing burden	45 days after Markman Order	
23	Responding expert reports	75 days after Markman Order	
24	Close of expert discovery	100 days after Markman Order	
25	Deadline to file dispositive motions (including motions for summary judgment, motions to strike experts, and <i>Daubert</i> motions)	125 days after Markman Order	
26	Serve Advice of Counsel Defense Disclosures and Accompanying Document Production	30 days after Markman Order	L. Pat. R. 3.8(a)-(c)
27	Parties to meet and confer re joint final pretrial order	30 days after decision on dispositive motions	
28	Parties to exchange copies of all proposed trial exhibits	40 days after decision on dispositive motions	
29	Joint final pretrial order	40 days after decision on dispositive motions	
30	Pretrial Conference	45 days after decision on dispositive motions	
31	Any motions <i>in limine</i> to be made	40 days after decision on dispositive motions	
32	Trial	90 days after decision on dispositive motions	

2. **Interrogatories.** Plaintiff may serve up to twenty-five (25) interrogatories in each docketed case. Defendants may serve up to twenty (20) interrogatories in each docketed case and may serve up to fifteen (15) interrogatories common to all of the above-docketed cases.

3. **Depositions.**

a. Plaintiff and Defendants in each docketed case shall have 45 hours of deposition time total for depositions of parties and party fact witnesses.

b. In addition, Plaintiff and Defendants collectively for all of the above-docketed cases will each have an additional 20 hours of deposition time total.

4. **Requests for Production of Documents.** There are no limits on requests for the production of documents, *subject to Fed. R. Civ. P. 26 and further Order of the Court.*

5. **Requests for Admission.** Plaintiff and Defendants in each docketed case shall have 25 requests for admission except there is no limit on the number of requests for admission that a document is (1) authentic, (2) a business record, or (3) otherwise meets a condition for admissibility in evidence.

6. **Third- (or Non-) Party Discovery.** There are no limits on non-/third-party discovery, *subject to Fed. R. Civ. P. 26 and further Orders of the Court.*

7. **Expert Discovery.** The parties shall meet and confer after claim construction briefing has been submitted to discuss the contours on expert discovery.

8. **E-Discovery.** See the "Order Regarding E-Discovery in Patent Cases." *See e.g.*, Dkt. No. 67 (14-cv-03456).

9. **Motion to Bifurcate Liability and Damages.** The briefing schedule for Defendants' motion to bifurcate liability and damages discovery shall be as follows:

a. Defendants shall file the motion on February 11, 2016.

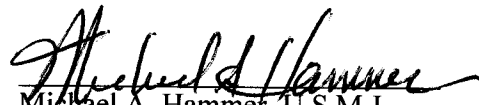
- b. Plaintiff shall file its opposition to the motion on February 22, 2016.
- c. Defendants shall file their reply in further support of the motion on February 29, 2016.
- d. The Return Date of the motion shall be March 7, 2016.
- e. No damages discovery shall occur until the motion to bifurcate is adjudicated.

10. **Priority Date.** Defendants shall serve a common interrogatory requesting Plaintiff, WAG Acquisition, L.L.C., to provide the priority date and specific citations (column and line number) for certain terms in each of the asserted patents. Defendants will endeavor to serve that common interrogatory promptly after the Discovery Plan is submitted to the Court and prior to the date set in § 1 (item 4).

11. **Limit Claims.** Plaintiff will by March 22, 2016 limit its claims in its infringement contentions and as discussed with the Court on January 22, 2016.

12. *Any dispute regarding written discovery shall be submitted to the Court by way of Joint Letter, and only after the parties*
IT IS SO ORDERED.

Dated this 1st day of ~~January~~ ^{February} 2016


Michael A. Hammer, U.S.M.J.

HAVE MET AND CONFERRED IN GOOD FAITH UNDER L. CIV. R. 37.1. ANY DISPUTE REGARDING WRITTEN DISCOVERY MUST BE PRESENTED BY OCTOBER 1, 2016. THEREAFTER, THE COURT WILL NOT ENTERTAIN ANY DISPUTES RE. WRITTEN DISCOVERY. IF THE COURT GRANTS DEFENDANTS' BIFURCATION MOTION, ANY PARTY MAY, ON NOTICE TO THE OTHER PARTIES IN THESE CASES, REQUEST A SEPARATE DEADLINE FOR WRITTEN DISCOVERY DISPUTES ARISING FROM DAMAGES DISCOVERY.